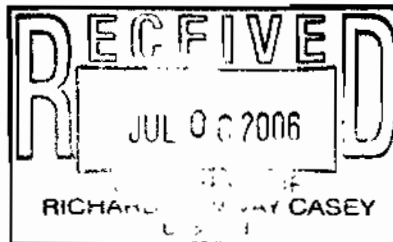


ECF

**GERSTEN SAVAGE LLP**

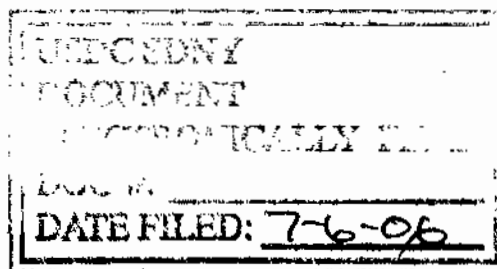
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**MEMO ENDORSED**

July 5, 2006

VIA HAND DELIVERY

The Honorable Richard Conway Casey  
United States District Court Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007



Re: Merit Capital Group, LLC v. Trio Industries Management, LLC, et al.  
Case No. 04 CIV 7690 (RCC)

Dear Judge Casey:

My firm represents plaintiff Merit Capital Group, LLC and third-party defendants Harvey Bloch and Alfred Salazar. I write to respectfully request an adjournment of the status conference currently scheduled before Your Honor on Friday, July 7, 2006. The parties have previously been instructed by the Court to attend mediation and to attend a conference before Magistrate Ellis prior to appearing before Your Honor. Although the parties have conducted mediation, the conference before Magistrate Ellis is scheduled to take place on July 25, 2006. Additionally, as a result of the mediation, it appears that a settlement may very well be reached prior to the conference with the Magistrate. For the foregoing reasons, we respectfully request an adjournment of the aforementioned status conference until a date in August convenient for the Court.

Counsel for the Trio defendants and for Robert Gyemant, David Frydman, joins in this application. Evan Daniels, the *pro se* co-defendant, has refused to consent to this request. Your Honor's attention and consideration of this matter is greatly appreciated.

Respectfully submitted,

David Lackowitz (DAL 8591)

cc: David Frydman  
via facsimile (212) 355-8988  
& regular mail

Evan R. Daniels  
via facsimile (214) 705-1582  
& regular mail

Application granted. The status/premorum conference is hereby rescheduled to Friday August 4, 2006 at 10:30 Am. Mr. Daniels may appear by telephone at the next conference. So ordered.

July 6, 2006